

AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
GILA COUNTY, ARIZONA

THIS AGREEMENT is entered into February 28th, 2007, Attorney General No. KR04-1724TRN, Original Agreement filed with the Secretary of State, May 12, 2005, File No. 27514, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and GILA COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-952 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING LANGUAGE TO AGREEMENT 04-001:

Amend Recital 3, and the following paragraphs Under the Scope of Work; 1.c.& d., 2.c.& d., and add 2.i. All other terms and conditions of the original Agreement shall remain in force and effect.

Recital 3 shall be deleted and replaced with the following Language:

3. The State and the County desire to design and construct roadway improvements along State Route (SR) 260, the State shall construct an eastbound left-turn lane and a westbound right-turn lane at the Intersection of (SR) 260 at Gila County Road Milepost (MP) MP 257 hereinafter referred to as the "Project", for the safety and benefit of the traveling public. The estimated cost for the design and construction of these improvements to SR 260 is currently estimated at \$515,000.00 The County shall provide design plans to State standard and the State has agreed to reimburse the County for 50% of the cost of the archeological survey with State funding. The parties agree the State shall be the lead agency for the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

RD 27514
Filed with the Secretary of State
Dated/Revised: 2-28-07
James K. [Signature]
Secretary of State
By: [Signature]

II. SCOPE OF WORK

1. The State shall:

Paragraph 1.c. shall be revised to reflect the adjusted dollar amount:

c. After bid advertisement and prior to bid opening, invoice the County for the County's proportionate share of fifty-percent (50%) of the total cost of the Project. The County's proportionate share is currently estimated at \$257,500.00.

Paragraph 1.d shall be deleted and replaced with the following language:

d. Be responsible for the fifty-percent (50%) of the Project's total construction contract cost for the intersection improvement of State Route (SR) 260 at Gila County Road Milepost (MP) MP 257. In addition to the 50% of the construction costs, the State has agreed to reimburse the County 50% of the archeological survey cost, upon completion of the survey with State funding.

2. The County shall:

Paragraph 2.c. and 2.d. shall be revised to reflect the adjusted dollar amount:

c. Be responsible for fifty-percent (50%) of the Project's total construction cost for the intersection improvement of State Route (SR) 260 at Gila County Road Milepost (MP) MP 257. The County's proportionate share is currently estimated at \$257,500.00.

d. After bid advertising and prior to bid opening, pay the State for its proportionate share of fifty-percent (50%) of the total cost of the Project within twenty (20) days of receipt of invoice. The County's proportionate share is currently estimated at \$257,500.00.

Paragraph 2.i. shall be added to the following language:

i. Invoice the State for 50% of the cost for the archeological survey upon completion of the survey.

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Department of Transportation
Joint Project Administration
205 S. 17th Avenue, MD 616E
Phoenix, AZ 85007

Gila County
Public Works Director
1400 East Ash Street
Globe, AZ 85501

Pursuant to Arizona Revised Statutes Section 11-952(D), attached hereto and incorporated herein, is the written determination of each parties legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

GILA COUNTY, ARIZONA

By 
JOSE M. SANCHEZ, Chairman
Board of Supervisors

STATE OF ARIZONA

Department of Transportation

By 
DOUG A. FORSTIE, P.E.
Deputy State Engineer

ATTEST

By 
STEVE BESICH
Clerk of the Board

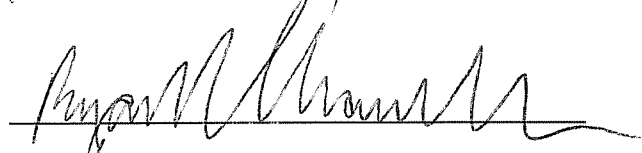
G: 04-001-Gila County SR 260 Gila County Road
Amendment One
First Draft 12-11-06 -ly
Final Draft 12-27-06-ly
Sent out for signatures January 8, 2007-ly


**GILA COUNTY
ATTORNEY APPROVAL FORM**

FOR JPA 04-001
AMENDMENT ONE

I have reviewed the above-referenced Intergovernmental Agreement between the STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and GILA COUNTY acting by and through its BOARD OF SUPERVISORS, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. Sections 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to GILA COUNTY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 22nd day of January, 2007.


County Attorney

<p>TERRY GODDARD Attorney General</p>	 <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan.Davis@azag.gov</p>
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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-1724TRN (**JPA 04-001, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and Gila County, Arizona, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: February 20, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:1000566
Attachment